

House Amendment 1712

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1 1 Amend Senate File 340, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <DIVISION I
1 6 SEX OFFENDER REGISTRY
1 7 Section 1. NEW SECTION. 692A.101 DEFINITIONS.
1 8 As used in this chapter and unless the context
1 9 otherwise requires:
1 10 1. a. "Aggravated offense" means a conviction for
1 11 any of the following offenses:
1 12 (1) Sexual abuse in the first degree in violation
1 13 of section 709.2.
1 14 (2) Sexual abuse in the second degree in violation
1 15 of section 709.3.
1 16 (3) Sexual abuse in the third degree in violation
1 17 of section 709.4, subsection 1.
1 18 (4) Lascivious acts with a child in violation of
1 19 section 709.8, subsection 1 or 2.
1 20 (5) Assault with intent to commit sexual abuse in
1 21 violation of section 709.11.
1 22 (6) Burglary in the first degree in violation of
1 23 section 713.3, subsection 1, paragraph "d".
1 24 (7) Kidnapping, if sexual abuse as defined in
1 25 section 709.1 is committed during the commission of
1 26 the offense.
1 27 (8) Murder in violation of section 707.2 or 707.3,
1 28 if sexual abuse as defined in section 709.1 is
1 29 committed during the offense.
1 30 (9) Criminal transmission of human
1 31 immunodeficiency virus in violation of section 709C.1,
1 32 subsection 1, paragraph "a".
1 33 b. Any conviction for an offense specified in the
1 34 laws of another jurisdiction or any conviction for an
1 35 offense prosecuted in federal, military, or foreign
1 36 court, that is comparable to an offense listed in
1 37 paragraph "a" shall be considered an aggravated
1 38 offense for purposes of registering under this
1 39 chapter.
1 40 2. "Aggravated offense against a minor" means a
1 41 conviction for any of the following offenses, if such
1 42 offense was committed against a minor, or otherwise
1 43 involves a minor:
1 44 a. Sexual abuse in the first degree in violation
1 45 of section 709.2.
1 46 b. Sexual abuse in the second degree in violation
1 47 of section 709.3.
1 48 c. Sexual abuse in the third degree in violation
1 49 of section 709.4, except for a violation of section
1 50 709.4, subsection 2, paragraph "c", subparagraph (4).
2 1 3. "Appearance" means to appear in person at a
2 2 sheriff's office.
2 3 4. "Business day" means every day except Saturday,
2 4 Sunday, or any paid holiday for county employees in
2 5 the applicable county.
2 6 5. "Change" means to add, begin, or terminate.
2 7 6. "Child care facility" means the same as defined
2 8 in section 237A.1.
2 9 7. "Convicted" means found guilty of, pleads
2 10 guilty to, or is sentenced or adjudicated delinquent
2 11 for an act which is an indictable offense in this
2 12 state or in another jurisdiction including in a
2 13 federal, military, tribal, or foreign court, including
2 14 but not limited to a juvenile who has been adjudicated
2 15 delinquent, but whose juvenile court records have been
2 16 sealed under section 232.150, and a person who has
2 17 received a deferred sentence or a deferred judgment or
2 18 has been acquitted by reason of insanity.
2 19 "Conviction" includes the conviction of a juvenile
2 20 prosecuted as an adult. "Convicted" also includes a
2 21 conviction for an attempt or conspiracy to commit an
2 22 offense. "Convicted" does not mean a plea, sentence,
2 23 adjudication, deferred sentence, or deferred judgment
2 24 which has been reversed or otherwise set aside.

2 25 8. "Criminal or juvenile justice agency" means an
2 26 agency or department of any level of government or an
2 27 entity wholly owned, financed, or controlled by one or
2 28 more such agencies or departments which performs as
2 29 its principal function the apprehension, prosecution,
2 30 adjudication, incarceration, or rehabilitation of
2 31 criminal or juvenile offenders.

2 32 9. "Department" means the department of public
2 33 safety.

2 34 10. "Employee" means an offender who is
2 35 self-employed, employed by another, and includes a
2 36 person working under contract, or acting or serving as
2 37 a volunteer, regardless of whether the
2 38 self-employment, employment by another, or
2 39 volunteerism is performed for compensation.

2 40 11. "Employment" means acting as an employee.

2 41 12. "Foreign court" means a court of a foreign
2 42 nation that is recognized by the United States
2 43 department of state that enforces the right to a fair
2 44 trial during the period in which a conviction
2 45 occurred.

2 46 13. "Habitually lives" means living in a place
2 47 with some regularity, and with reference to where the
2 48 sex offender actually lives, which could be some place
2 49 other than a mailing address or primary address but
2 50 would entail a place where the sex offender lives on
3 1 an intermittent basis.

3 2 14. "Incarcerated" means to be imprisoned by
3 3 placing a person in a jail, prison, penitentiary,
3 4 juvenile facility, or other correctional institution
3 5 or facility or a place or condition of confinement or
3 6 forcible restraint regardless of the nature of the
3 7 institution in which the person serves a sentence for
3 8 a conviction.

3 9 15. "Internet identifier" means an electronic mail
3 10 address, instant message address or identifier, or any
3 11 other designation or moniker used for
3 12 self-identification during internet communication or
3 13 posting, including all designations used for the
3 14 purpose of routing or self-identification in internet
3 15 communications or postings.

3 16 16. "Jurisdiction" means any state of the United
3 17 States, the District of Columbia, the Commonwealth of
3 18 Puerto Rico, Guam, American Samoa, the Northern
3 19 Mariana Islands, the United States Virgin Islands, or
3 20 a federally recognized Indian tribe.

3 21 17. "Loiter" means remaining in a place or
3 22 circulating around a place under circumstances that
3 23 would warrant a reasonable person to believe that the
3 24 purpose or effect of the behavior is to enable a sex
3 25 offender to become familiar with a location where a
3 26 potential victim may be found, or to satisfy an
3 27 unlawful sexual desire, or to locate, lure, or harass
3 28 a potential victim.

3 29 18. "Military offense" means a sex offense
3 30 specified by the secretary of defense under 10 U.S.C.
3 31 } 951.

3 32 19. "Minor" means a person under eighteen years of
3 33 age.

3 34 20. "Principal residence" for a sex offender
3 35 means:

3 36 a. The residence of the offender, if the offender
3 37 has only one residence in this state.

3 38 b. The residence at which the offender resides,
3 39 sleeps, or habitually lives for more days per year
3 40 than another residence in this state, if the offender
3 41 has more than one residence in this state.

3 42 c. The place of employment or attendance as a
3 43 student, or both, if the sex offender does not have a
3 44 residence in this state.

3 45 21. "Professional licensing information" means the
3 46 name or other description, number, if applicable, and
3 47 issuing authority or agency of any license,
3 48 certification, or registration required by law to
3 49 engage in a profession or occupation held by a sex
3 50 offender who is required at the time of the initial
4 1 requirement to register under this chapter, or any
4 2 such license, certification, or registration that was
4 3 issued to an offender within the five-year period
4 4 prior to conviction for a sex offense that requires
4 5 registration under this chapter, or any such license,

4 6 certification, or registration that is issued to an
4 7 offender at any time during the duration of the
4 8 registration requirement.
4 9 22. "Public library" means any library that
4 10 receives financial support from a city or county
4 11 pursuant to section 256.69.
4 12 23. a. "Relevant information" means the following
4 13 information with respect to a sex offender:
4 14 (1) Criminal history, including warrants,
4 15 articles, status of parole, probation, or supervised
4 16 release, date of arrest, date of conviction, and
4 17 registration status.
4 18 (2) Date of birth.
4 19 (3) Passport and immigration documents.
4 20 (4) Government issued driver's license or
4 21 identification card.
4 22 (5) DNA sample.
4 23 (6) Educational institutions attended as a
4 24 student, including the name and address of such
4 25 institutions.
4 26 (7) Employment information including name and
4 27 address of employer.
4 28 (8) Fingerprints.
4 29 (9) Internet identifiers.
4 30 (10) Names, nicknames, aliases, or ethnic or
4 31 tribal names, and if applicable, the real names of an
4 32 offender protected under 18 U.S.C. } 3521.
4 33 (11) Palm prints.
4 34 (12) Photographs.
4 35 (13) Physical description, including scars, marks,
4 36 or tattoos.
4 37 (14) Professional licensing information.
4 38 (15) Residence.
4 39 (16) Social security number.
4 40 (17) Telephone numbers, including any landline or
4 41 wireless numbers.
4 42 (18) Temporary lodging information, including
4 43 dates when residing in temporary lodging.
4 44 (19) Statutory citation and text of offense
4 45 committed that requires registration under this
4 46 chapter.
4 47 (20) Vehicle information for a vehicle owned or
4 48 operated by an offender including license plate
4 49 number, registration number, or other identifying
4 50 number, vehicle description, and the permanent or
5 1 frequent locations where the vehicle is parked,
5 2 docked, or otherwise kept.
5 3 (21) The name, gender, and date of birth of each
5 4 person residing in the residence.
5 5 b. "Relevant information" does not include
5 6 relevant information in paragraph "a", subparagraphs
5 7 (1) and (19), when a sex offender is required to
5 8 provide relevant information pursuant to this chapter.
5 9 24. "Residence" means each dwelling or other place
5 10 where a sex offender resides, sleeps, or habitually
5 11 lives, or will reside, sleep, or habitually live,
5 12 including a shelter or group home. If a sex offender
5 13 does not reside, sleep, or habitually live in a fixed
5 14 place, "residence" means a description of the
5 15 locations where the offender is stationed regularly,
5 16 including any mobile or transitory living quarters.
5 17 "Residence" shall be construed to refer to the places
5 18 where a sex offender resides, sleeps, habitually
5 19 lives, or is stationed with regularity, regardless of
5 20 whether the offender declares or characterizes such
5 21 place as the residence of the offender.
5 22 25. "Sex act" means as defined in section 702.17.
5 23 26. "Sex offender" means a person who is required
5 24 to be registered under this chapter.
5 25 27. "Sex offense" means an indictable offense for
5 26 which a conviction has been entered that has an
5 27 element involving a sexual act, sexual contact, or
5 28 sexual conduct, and which is enumerated in section
5 29 692A.102, and means any comparable offense for which a
5 30 conviction has been entered under prior law, or any
5 31 comparable offense for which a conviction has been
5 32 entered in a federal, military, or foreign court, or
5 33 another jurisdiction.
5 34 28. "Sex offense against a minor" means an offense
5 35 for which a conviction has been entered for a sex
5 36 offense classified as a tier I, tier II, or tier III

5 37 offense under this chapter if such offense was
5 38 committed against a minor, or otherwise involves a
5 39 minor.

5 40 29. "Sexually violent offense" means an offense
5 41 for which a conviction has been entered for any of the
5 42 following indictable offenses:

5 43 a. Sexual abuse as defined under section 709.1.

5 44 b. Assault with intent to commit sexual abuse in
5 45 violation of section 709.11.

5 46 c. Sexual misconduct with offenders and juveniles
5 47 in violation of section 709.16.

5 48 d. Any of the following offenses, if the offense
5 49 involves sexual abuse or assault with intent to commit
5 50 sexual abuse: murder, attempted murder, kidnapping,
6 1 burglary, or manslaughter.

6 2 e. A criminal offense committed in another
6 3 jurisdiction, including a conviction in a federal,
6 4 military, or foreign court, which would constitute an
6 5 indictable offense under paragraphs "a" through "d" if
6 6 committed in this state.

6 7 30. "Sexually violent predator" means a sex
6 8 offender who has been convicted of an offense which
6 9 would qualify the offender as a sexually violent
6 10 predator under the federal Violent Crime Control and
6 11 Law Enforcement Act of 1994, 42 U.S.C. }
6 12 14071(a)(3)(B), (C), (D), and (E).

6 13 31. "SORNA" means the Sex Offender Registration
6 14 and Notification Act, which is Title I of the federal
6 15 Adam Walsh Child Protection and Safety Act of 2006.

6 16 32. "Student" means a sex offender who enrolls in
6 17 or otherwise receives instruction at an educational
6 18 institution, including a public or private elementary
6 19 school, secondary school, trade or professional
6 20 school, or institution of higher education. "Student"
6 21 does not mean a sex offender who enrolls in or attends
6 22 an educational institution as a correspondence
6 23 student, distance learning student, or any other form
6 24 of learning that occurs without physical presence on
6 25 the real property of an educational institution.

6 26 33. "Superintendent" means the superintendent or
6 27 superintendent's designee of a public school or the
6 28 authorities in charge of a nonpublic school.

6 29 34. "Vehicle" means a vehicle owned or operated by
6 30 an offender, including but not limited to a vehicle
6 31 for personal or work-related use, and including a
6 32 watercraft or aircraft, that is subject to
6 33 registration requirements under chapter 321, 328, or
6 34 462A.

6 35 Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE
6 36 CLASSIFICATIONS.

6 37 1. For purposes of this chapter, all individuals
6 38 required to register shall be classified as a tier I,
6 39 tier II, or tier III offender. For purposes of this
6 40 chapter, sex offenses are classified into the
6 41 following tiers:

6 42 a. Tier I offenses include a conviction for the
6 43 following sex offenses:

6 44 (1) Sexual abuse in the second degree in violation
6 45 of section 709.3, subsection 2, if committed by a
6 46 person under the age of fourteen.

6 47 (2) Sexual abuse in the third degree in violation
6 48 of section 709.4, subsection 1, 3, or 4, if committed
6 49 by a person under the age of fourteen.

6 50 (3) Sexual abuse in the third degree in violation
7 1 of section 709.4, subsection 2, paragraph "a" or "b",
7 2 if committed by a person under the age of fourteen.

7 3 (4) Sexual abuse in the third degree in violation
7 4 of section 709.4, subsection 2, paragraph "c".

7 5 (5) Indecent exposure in violation of section
7 6 709.9.

7 7 (6) Harassment in violation of section 708.7,
7 8 subsection 1, 2, or 3, if a determination is made that
7 9 the offense was sexually motivated pursuant to section
7 10 692A.126.

7 11 (7) Stalking in violation of section 708.11,
7 12 except a violation of subsection 3, paragraph "b",
7 13 subparagraph (3), if a determination is made that the
7 14 offense was sexually motivated pursuant to section
7 15 692A.126.

7 16 (8) (a) Dissemination or exhibition of obscene
7 17 material to minors in violation of section 728.2 or

7 18 telephone dissemination of obscene material to minors
7 19 in violation of 728.15.
7 20 (b) Rental or sale of hard-core pornography, if
7 21 delivery is to a minor, in violation of section 728.4.
7 22 (9) Admitting minors to premises where obscene
7 23 material is exhibited in violation of section 728.3.
7 24 (10) Receipt or possession of child pornography in
7 25 violation of 18 U.S.C. } 2252.
7 26 (11) Material containing child pornography in
7 27 violation of 18 U.S.C. } 2252A.
7 28 (12) Misleading domain names on the internet in
7 29 violation of 18 U.S.C. } 2252B.
7 30 (13) Misleading words or digital images on the
7 31 internet in violation of section 18 U.S.C. } 2252C.
7 32 (14) Failure to file a factual statement about an
7 33 alien individual in violation of 18 U.S.C. } 2424.
7 34 (15) Transmitting information about a minor to
7 35 further criminal sexual conduct in violation of 18
7 36 U.S.C. } 2425.
7 37 (16) Any sex offense specified in the laws of
7 38 another jurisdiction or any sex offense that may be
7 39 prosecuted in federal, military, or foreign court,
7 40 that is comparable to an offense listed in
7 41 subparagraphs (1) through (15).
7 42 (17) Any sex offense under the prior laws of this
7 43 state or another jurisdiction, or any sex offense
7 44 under prior law that was prosecuted in a federal,
7 45 military, or foreign court, that is comparable to an
7 46 offense listed in subparagraphs (1) through (15).
7 47 b. Tier II offenses include a conviction for the
7 48 following sex offenses:
7 49 (1) Detention in brothel in violation of section
7 50 709.7.
8 1 (2) Lascivious acts with a child in violation of
8 2 section 709.8, subsection 3 or 4.
8 3 (3) Solicitation of a minor to engage in an
8 4 illegal sex act in violation of section 705.1.
8 5 (4) Solicitation of a minor to engage an illegal
8 6 act under section 709.8, subsection 3, in violation of
8 7 section 705.1.
8 8 (5) Solicitation of a minor to engage in an
8 9 illegal act under section 709.12, in violation of
8 10 section 705.1.
8 11 (6) False imprisonment of a minor in violation of
8 12 section 710.7, except if committed by a parent.
8 13 (7) Assault with intent to commit sexual abuse if
8 14 no injury results in violation of section 709.11.
8 15 (8) Invasion of privacy=nudity in violation of
8 16 section 709.21.
8 17 (9) Stalking in violation of section 708.11,
8 18 subsection 3, paragraph "b", subparagraph (3), if a
8 19 determination is made that the offense was sexually
8 20 motivated pursuant to section 692A.126.
8 21 (10) Indecent contact with a child in violation of
8 22 section 709.12, if the child is thirteen years of age.
8 23 (11) Lascivious conduct with a minor in violation
8 24 of section 709.14.
8 25 (12) Sexual exploitation by a counselor,
8 26 therapist, or school employee in violation of section
8 27 709.15, if the victim is thirteen years of age or
8 28 older.
8 29 (13) Sexual misconduct with offenders and
8 30 juveniles in violation of section 709.16, if the
8 31 victim is thirteen years of age or older.
8 32 (14) Kidnapping of a person who is not a minor in
8 33 violation of section 710.2, 710.3, or 710.4, if a
8 34 determination is made that the offense was sexually
8 35 motivated pursuant to section 692A.126.
8 36 (15) Solicitation of a minor to engage in an
8 37 illegal act under section 725.3, subsection 2, in
8 38 violation of section 705.1.
8 39 (16) Incest committed against a dependant adult as
8 40 defined in section 235B.2 in violation of section
8 41 726.2.
8 42 (17) Incest committed against a minor in violation
8 43 of section 726.2.
8 44 (18) Sexual exploitation of a minor in violation
8 45 of section 728.12, subsection 2 or 3.
8 46 (19) Material involving the sexual exploitation of
8 47 a minor in violation of 18 U.S.C. } 2252(a), except
8 48 receipt or possession of child pornography.

8 49 (20) Production of sexually explicit depictions of
8 50 a minor for import into the United States in violation
9 1 of 18 U.S.C. } 2260.
9 2 (21) Transportation of a minor for illegal sexual
9 3 activity in violation of 18 U.S.C. } 2421.
9 4 (22) Coercion and enticement of a minor for
9 5 illegal sexual activity in violation of 18 U.S.C. }
9 6 2422(a) or (b).
9 7 (23) Transportation of minors for illegal sexual
9 8 activity in violation of 18 U.S.C. } 2423(a).
9 9 (24) Travel with the intent to engage in illegal
9 10 sexual conduct with a minor in violation of 18 U.S.C.
9 11 } 2423.
9 12 (25) Engaging in illicit sexual conduct in foreign
9 13 places in violation of 18 U.S.C. } 2423(c).
9 14 (26) Video voyeurism of a minor in violation of 18
9 15 U.S.C. } 1801.
9 16 (27) Any sex offense specified in the laws of
9 17 another jurisdiction or any offense that may be
9 18 prosecuted in a federal, military, or foreign court,
9 19 that is comparable to an offense listed in
9 20 subparagraphs (1) through (26).
9 21 (28) Any sex offense under the prior laws of this
9 22 state or another jurisdiction, or any sex offense
9 23 under prior law that was prosecuted in a federal,
9 24 military, or foreign court, that is comparable to a
9 25 sex offense listed in subparagraphs (1) through (26).
9 26 c. Tier III offenses include a conviction for the
9 27 following sex offenses:
9 28 (1) Murder in violation of section 707.2 or 707.3
9 29 if sexual abuse as defined in section 709.1 is
9 30 committed during the commission of the offense.
9 31 (2) Murder in violation of section 707.2 or 707.3,
9 32 if a determination is made that the offense was
9 33 sexually motivated pursuant to section 692A.126.
9 34 (3) Voluntary manslaughter in violation of section
9 35 707.4, if a determination is made that the offense was
9 36 sexually motivated pursuant to section 692A.126.
9 37 (4) Involuntary manslaughter in violation of
9 38 section 707.5, if a determination is made that the
9 39 offense was sexually motivated pursuant to section
9 40 692A.126.
9 41 (5) Attempt to commit murder in violation of
9 42 section 707.11, if a determination is made that the
9 43 offense was sexually motivated pursuant to section
9 44 692A.126.
9 45 (6) Sexual abuse in the first degree in violation
9 46 of section 709.2.
9 47 (7) Sexual abuse in the second degree in violation
9 48 of section 709.3, subsection 1 or 3.
9 49 (8) Sexual abuse in the second degree in violation
9 50 of section 709.3, subsection 2, if committed by a
10 1 person fourteen years of age or older.
10 2 (9) Sexual abuse in the third degree in violation
10 3 of section 709.4, subsection 1, 3, or 4, if committed
10 4 by a person fourteen years of age or older.
10 5 (10) Sexual abuse in the third degree in violation
10 6 of section 709.4, subsection 2, paragraph "a" or "b",
10 7 if committed by a person fourteen years of age or
10 8 older.
10 9 (11) Lascivious acts with a child in violation of
10 10 section 709.8, subsection 1 or 2.
10 11 (12) Kidnapping in violation of section 710.2 if
10 12 sexual abuse as defined in section 709.1 is committed
10 13 during the commission of the offense.
10 14 (13) Kidnapping of a minor in violation of section
10 15 710.2, 710.3, or 710.4, if a determination is made
10 16 that the offense was sexually motivated pursuant to
10 17 section 692A.126.
10 18 (14) Assault with intent to commit sexual abuse
10 19 resulting in serious or bodily injury in violation of
10 20 section 709.11.
10 21 (15) Burglary in the first degree in violation of
10 22 section 713.3, subsection 1, paragraph "d".
10 23 (16) Any other burglary in the first degree
10 24 offense in violation of section 713.3 that is not
10 25 included in subparagraph (15), if a determination is
10 26 made that the offense was sexually motivated pursuant
10 27 to section 692A.126.
10 28 (17) Attempted burglary in the first degree in
10 29 violation of section 713.4, if a determination is made

10 30 that the offense was sexually motivated pursuant to
10 31 section 692A.126.
10 32 (18) Burglary in the second degree in violation of
10 33 section 713.5, if a determination is made that the
10 34 offense was sexually motivated pursuant to section
10 35 692A.126.
10 36 (19) Attempted burglary in the second degree in
10 37 violation of section 713.6, if a determination is made
10 38 that the offense was sexually motivated pursuant to
10 39 section 692A.126.
10 40 (20) Burglary in the third degree in violation of
10 41 section 713.6A, if a determination is made that the
10 42 offense was sexually motivated pursuant to section
10 43 692A.126.
10 44 (21) Attempted burglary in the third degree in
10 45 violation of section 713.6B, if a determination is
10 46 made that the offense was sexually motivated pursuant
10 47 to section 692A.126.
10 48 (22) Criminal transmission of human
10 49 immunodeficiency virus in violation of section 709C.1,
10 50 subsection 1, paragraph "a".
11 1 (23) Human trafficking in violation of section
11 2 710A.2 if sexual abuse or assault with intent to
11 3 commit sexual abuse is committed or sexual conduct or
11 4 sexual contact is an element of the offense.
11 5 (24) Purchase or sale of an individual in
11 6 violation of section 710.11 if a determination is made
11 7 that the offense was sexually motivated pursuant to
11 8 section 692A.126.
11 9 (25) Sexual exploitation of a minor in violation
11 10 of section 728.12, subsection 1.
11 11 (26) Indecent contact with a child in violation of
11 12 section 709.12 if the child is under thirteen years of
11 13 age.
11 14 (27) Sexual exploitation by a counselor,
11 15 therapist, or school employee in violation of section
11 16 709.15, if the child is under thirteen years of age.
11 17 (28) Sexual misconduct with offenders and
11 18 juveniles in violation of section 709.16, if the child
11 19 is under thirteen years of age.
11 20 (29) Child stealing in violation of section 710.5,
11 21 if a determination is made that the offense was
11 22 sexually motivated pursuant to section 692A.126.
11 23 (30) Enticing away a minor in violation of section
11 24 710.10, if the violation includes an intent to commit
11 25 sexual abuse, sexual exploitation, sexual contact, or
11 26 sexual conduct directed towards a minor.
11 27 (31) Sex trafficking of children in violation of
11 28 18 U.S.C. } 1591.
11 29 (32) Aggravated sexual abuse in violation of 18
11 30 U.S.C. } 2241.
11 31 (33) Sexual abuse in violation of 18 U.S.C. }
11 32 2242.
11 33 (34) Sexual abuse of a minor or ward in violation
11 34 of 18 U.S.C. } 2243.
11 35 (35) Abusive sexual contact in violation of 18
11 36 U.S.C. } 2244.
11 37 (36) Offenses resulting in death in violation of
11 38 18 U.S.C. } 2245.
11 39 (37) Sexual exploitation of children in violation
11 40 of 18 U.S.C. } 2251.
11 41 (38) Selling or buying of children in violation of
11 42 18 U.S.C. } 2251A.
11 43 (39) Any sex offense specified in the laws of
11 44 another jurisdiction or any sex offense that may be
11 45 prosecuted in federal, military, or foreign court,
11 46 that is comparable to an offense listed in
11 47 subparagraphs (1) through (38).
11 48 (40) Any sex offense under the prior laws of this
11 49 state or another jurisdiction, or any sex offense
11 50 under prior law that was prosecuted in federal,
12 1 military, or foreign court, that is comparable to a
12 2 sex offense listed in subparagraphs (1) through (38).
12 3 2. A sex offender classified as a tier I offender
12 4 shall be reclassified as a tier II offender, if it is
12 5 determined the offender has one previous conviction
12 6 for an offense classified as a tier I offense.
12 7 3. A sex offender classified as a tier II
12 8 offender, shall be reclassified as a tier III
12 9 offender, if it is determined the offender has a
12 10 previous conviction for a tier II offense or has been

12 11 reclassified as a tier II offender because of a
12 12 previous conviction.

12 13 4. Notwithstanding the classifications of sex
12 14 offenses in subsection 1, any sex offense which would
12 15 qualify a sex offender as a sexually violent predator,
12 16 shall be classified as a tier III offense.

12 17 5. An offense classified as a tier II offense if
12 18 committed against a person under thirteen years of
12 19 age, shall be reclassified as a tier III offense.

12 20 6. Convictions of more than one sex offense which
12 21 require registration under this chapter but which are
12 22 prosecuted within a single indictment shall be
12 23 considered as a single offense for purposes of
12 24 registration.

12 25 Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED
12 26 TO REGISTER.

12 27 1. A person who has been convicted of any sex
12 28 offense classified as a tier I, tier II, or tier III
12 29 offense, or an offender required to register in
12 30 another jurisdiction under the other jurisdiction's
12 31 sex offender registry, shall register as a sex
12 32 offender as provided in this chapter if the offender
12 33 resides, is employed, or attends school in this state.
12 34 A sex offender shall, upon a first or subsequent
12 35 conviction, register in compliance with the procedures
12 36 specified in this chapter, for the duration of time
12 37 specified in this chapter, commencing as follows:

12 38 a. From the date of placement on probation.
12 39 b. From the date of release on parole or work
12 40 release.
12 41 c. From the date of release from incarceration.
12 42 d. Except as otherwise provided in this section,
12 43 from the date an adjudicated delinquent is released
12 44 from placement in a juvenile facility ordered by a
12 45 court pursuant to section 232.52.
12 46 e. Except as otherwise provided in this section,
12 47 from the date an adjudicated delinquent commences
12 48 attendance as a student at a public or private
12 49 educational institution, other than an educational
12 50 institution located on the real property of a juvenile
13 1 facility if the juvenile has been ordered placed at
13 2 such facility pursuant to section 232.52.
13 3 f. From the date of conviction for a sex offense
13 4 requiring registration if probation, incarceration, or
13 5 placement ordered pursuant to section 232.52 in a
13 6 juvenile facility is not included in the sentencing,
13 7 order, or decree of the court, except as otherwise
13 8 provided in this section for juvenile cases.

13 9 2. A sex offender is not required to register
13 10 while incarcerated. However, the running of the
13 11 period of registration is tolled pursuant to section
13 12 692A.107 if a sex offender is incarcerated.

13 13 3. A juvenile adjudicated delinquent for an
13 14 offense that requires registration shall be required
13 15 to register as required in this chapter unless the
13 16 juvenile court waives the requirement and finds that
13 17 the person should not be required to register under
13 18 this chapter.

13 19 4. Notwithstanding subsections 3 and 5, a juvenile
13 20 fourteen years of age or older at the time the offense
13 21 was committed shall be required to register if the
13 22 adjudication was for an offense committed by force or
13 23 the threat of serious violence, by rendering the
13 24 victim unconscious, or by involuntary drugging of the
13 25 victim. At the time of adjudication the judge shall
13 26 make a determination as to whether the offense was
13 27 committed by force or the threat of serious violence,
13 28 by rendering the victim unconscious, or by involuntary
13 29 drugging of the victim.

13 30 5. If a juvenile is required to register pursuant
13 31 to subsection 3, the juvenile court may, upon motion
13 32 of the juvenile, and after reasonable notice to the
13 33 parties and hearing, modify or suspend the
13 34 registration requirements if good cause is shown.

13 35 a. The motion to modify or suspend shall be made
13 36 and the hearing shall occur prior to the discharge of
13 37 the juvenile from the jurisdiction of the juvenile
13 38 court for the sex offense that requires registration.

13 39 b. If at the time of the hearing the juvenile is
13 40 participating in an appropriate outpatient treatment
13 41 program for juvenile sex offenders, the juvenile court

13 42 may enter orders temporarily suspending the
13 43 requirement that the juvenile register and may defer
13 44 entry of a final order on the matter until such time
13 45 that the juvenile has completed or been discharged
13 46 from the outpatient treatment program.

13 47 c. Final orders shall then be entered within
13 48 thirty days from the date of the juvenile's completion
13 49 or discharge from outpatient treatment.

13 50 d. Any order entered pursuant to this subsection
14 1 that modifies or suspends the requirement to register
14 2 shall include written findings stating the reason for
14 3 the modification or suspension, and shall include
14 4 appropriate restrictions upon the juvenile to protect
14 5 the public during any period of time the registry
14 6 requirements are modified or suspended. Upon entry of
14 7 an order modifying or suspending the requirement to
14 8 register, the juvenile court shall notify the
14 9 superintendent or the superintendent's designee where
14 10 the juvenile is enrolled of the decision.

14 11 e. This subsection does not apply to a juvenile
14 12 fourteen years of age or older at the time the offense
14 13 was committed if the adjudication was for a sex
14 14 offense committed by force or the threat of serious
14 15 violence, by rendering the victim unconscious, or by
14 16 involuntary drugging of the victim.

14 17 6. If a juvenile is required to register and the
14 18 court later modifies or suspends the order regarding
14 19 the requirement to register, the court shall notify
14 20 the department within five days of the decision.

14 21 Sec. 4. NEW SECTION. 692A.104 REGISTRATION
14 22 PROCESS.

14 23 1. A sex offender shall appear in person to
14 24 register with the sheriff of each county where the
14 25 offender has a residence, maintains employment, or is
14 26 in attendance as a student, within five business days
14 27 of being required to register under section 692A.103
14 28 by providing all relevant information to the sheriff.
14 29 A sheriff shall accept the registration of any person
14 30 who is required to register in the county pursuant to
14 31 the provisions of this chapter.

14 32 2. A sex offender shall, within five business days
14 33 of changing a residence, employment, or attendance as
14 34 a student, appear in person to notify the sheriff of
14 35 each county where a change has occurred.

14 36 3. A sex offender shall, within five business days
14 37 of a change in relevant information other than
14 38 relevant information enumerated in subsection 2,
14 39 notify the sheriff of the county where the principal
14 40 residence of the offender is maintained about the
14 41 change to the relevant information. The department
14 42 shall establish by rule what constitutes proper
14 43 notification under this subsection.

14 44 4. A sex offender who is required to verify
14 45 information pursuant to the provisions of section
14 46 692A.108 is only required to appear in person in the
14 47 county where the principal residence of the offender
14 48 is maintained to verify such information.

14 49 5. A sex offender shall, within five business days
14 50 of the establishment of a residence, employment, or
15 1 attendance as a student in another jurisdiction,
15 2 appear in person to notify the sheriff of the county
15 3 where the principal residence of the offender is
15 4 maintained, about the establishment of a residence,
15 5 employment, or attendance in another jurisdiction. A
15 6 sex offender shall, within five business days of
15 7 establishing a new residence, employment, or
15 8 attendance as a student in another jurisdiction,
15 9 register with the registering agency of the other
15 10 jurisdiction, if the offender is required to register
15 11 under the laws of the other jurisdiction. The
15 12 department shall notify the registering agency in the
15 13 other jurisdiction of the sex offender's new
15 14 residence, employment, or attendance as a student in
15 15 the other jurisdiction.

15 16 6. A sex offender, who has multiple residences in
15 17 this state, shall appear in person to notify the
15 18 sheriff of each county where a residence is
15 19 maintained, of the dates the offender will reside at
15 20 each residence including the date when the offender
15 21 will move from one residence to another residence.

15 22 7. Except as provided in subsection 8, the initial

15 23 or subsequent registration and any notifications
15 24 required in subsections 1, 2, 4, 5, and 6 shall be by
15 25 appearance at the sheriff's office and completion of
15 26 the initial or subsequent registration or notification
15 27 shall be on a printed form, which shall be signed and
15 28 dated by the sex offender. If the sheriff uses an
15 29 electronic form to complete the initial registration
15 30 or notification, the electronic form shall be printed
15 31 upon completion and signed and dated by the sex
15 32 offender. The sheriff shall transmit the registration
15 33 or notification form completed by the sex offender
15 34 within five business days by paper copy, or
15 35 electronically, using procedures established by the
15 36 department by rule.

15 37 8. The collection of relevant information by a
15 38 court or releasing agency under section 692A.109 shall
15 39 serve as the sex offender's initial or subsequent
15 40 registration for purposes of this section. However,
15 41 the sex offender shall register by appearing in person
15 42 in the county of residence to verify the offender's
15 43 arrival and relevant information. The court or
15 44 releasing agency shall forward a copy of the
15 45 registration to the department within five business
15 46 days of completion of registration using procedures
15 47 established by the department by rule.

15 48 Sec. 5. NEW SECTION. 692A.105 ADDITIONAL
15 49 REGISTRATION REQUIREMENTS == TEMPORARY LODGING.

15 50 In addition to the registration provisions
16 1 specified in section 692A.104, a sex offender, within
16 2 five business days of a change, shall also appear in
16 3 person to notify the sheriff of the county of
16 4 principal residence, of any location in which the
16 5 offender is staying when away from the principal
16 6 residence of the offender for more than five days, by
16 7 identifying the location and the period of time the
16 8 offender is staying in such location.

16 9 Sec. 6. NEW SECTION. 692A.106 DURATION OF
16 10 REGISTRATION.

16 11 1. Except as otherwise provided in section 232.54,
16 12 692A.103, or 692A.128, or this section, the duration
16 13 of registration required under this chapter shall be
16 14 for a period of ten years. The registration period
16 15 shall begin as provided in section 692A.103.

16 16 2. A sex offender who has been sentenced to a
16 17 special sentence under section 903B.1 or 903B.2, shall
16 18 be required to register for a period equal to the term
16 19 of the special sentence, but in no case not less than
16 20 the period specified in subsection 1.

16 21 3. A sex offender who is convicted of violating
16 22 any of the requirements of this chapter shall register
16 23 for an additional ten years, commencing from the date
16 24 the offender's registration would have expired under
16 25 subsection 1 or, in the case of an offender who has
16 26 been sentenced to a special sentence under section
16 27 903B.1 or 903B.2, commencing from the date the
16 28 offender's registration would have expired under
16 29 subsection 2.

16 30 4. A sex offender shall, upon a second or
16 31 subsequent conviction that requires a second
16 32 registration, or upon conviction of an aggravated
16 33 offense, or who has previously been convicted of one
16 34 or more offenses that would have required registration
16 35 under this chapter, register for life.

16 36 5. A sexually violent predator shall register for
16 37 life.

16 38 6. If a sex offender ceases to maintain a
16 39 residence, employment, or attendance as a student in
16 40 this state, the offender shall no longer be required
16 41 to register, and the offender shall be placed on
16 42 inactive status and relevant information shall not be
16 43 placed on the sex offender registry internet site,
16 44 after the department verifies that the offender has
16 45 complied with the registration requirements in another
16 46 jurisdiction. If the sex offender subsequently
16 47 reestablishes residence, employment, or attendance as
16 48 a student in this state, the registration requirement
16 49 under this chapter shall apply and the department
16 50 shall remove the offender from inactive status and
17 1 place any relevant information and any updated
17 2 relevant information in the possession of the
17 3 department on the sex offender registry internet site.

17 4 Sec. 7. NEW SECTION. 692A.107 TOLLING OF
17 5 REGISTRATION PERIOD.

17 6 1. If a sex offender is incarcerated during a
17 7 period of registration, the running of the period of
17 8 registration is tolled until the offender is released
17 9 from incarceration for that crime.

17 10 2. If a sex offender violates any requirements of
17 11 section 692A.104, 692A.105, 692A.108, 692A.112,
17 12 692A.113, 692A.114, or 692A.115, in addition to any
17 13 criminal penalty prescribed for such violation, the
17 14 period of registration is tolled until the offender
17 15 complies with the registration provisions of this
17 16 chapter.

17 17 Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF
17 18 RELEVANT INFORMATION.

17 19 1. A sex offender shall appear in person in the
17 20 county of principal residence after the offender was
17 21 initially required to register, to verify residence,
17 22 employment, and attendance as a student, to allow the
17 23 sheriff to photograph the offender, and to verify the
17 24 accuracy of other relevant information during the
17 25 following time periods after the initial registration:

17 26 a. For a sex offender classified as a tier I
17 27 offender, every year.

17 28 b. For a sex offender classified as a tier II
17 29 offender, every six months.

17 30 c. For a sex offender classified as a tier III
17 31 offender, every three months.

17 32 2. A sheriff may require a sex offender to appear
17 33 in person more frequently than provided in subsection
17 34 1 to verify relevant information if good cause is
17 35 shown. The circumstances under which more frequent
17 36 appearances are required shall be reasonable,
17 37 documented by the sheriff, and provided to the
17 38 offender and the department in writing. Any
17 39 modification to such requirement shall also be
17 40 provided to the sex offender and the department in
17 41 writing.

17 42 3. a. At least thirty days prior to an appearance
17 43 for the verification of relevant information as
17 44 required by this section, the department shall mail
17 45 notification of the required appearance to each
17 46 reported residence of the sex offender. The
17 47 department shall not be required to mail notification
17 48 to any sex offender if the residence described or
17 49 listed in the sex offender's relevant information is
17 50 insufficient for the delivery of mail.

18 1 b. The notice shall state that the sex offender
18 2 shall appear in person in the county of principal
18 3 residence on or before a date specified in the notice
18 4 to verify and update relevant information. The notice
18 5 shall not be forwarded to another address and shall be
18 6 returned to the department if the sex offender no
18 7 longer resides at the address.

18 8 4. A photograph of the sex offender shall be
18 9 updated, at a minimum, annually. The sheriff shall
18 10 send the updated photograph to the department using
18 11 procedures established by the department by rule
18 12 within five business days of the photograph being
18 13 taken and the department shall post the updated
18 14 photograph on the sex offender registry's internet
18 15 site. The sheriff may require the sex offender to
18 16 submit to being photographed, fingerprinted, or palm
18 17 printed, more than once per year during any required
18 18 appearance to verify relevant information.

18 19 5. The sheriff may make a reasonable modification
18 20 to the date requiring a sex offender to make an
18 21 appearance based on exigent circumstances including
18 22 man-made or natural disasters. The sheriff shall
18 23 notify the department of any modification using
18 24 procedures established by department by rule.

18 25 6. A waiver of the next immediate in-person
18 26 verification pursuant to this section may be granted
18 27 at the discretion of the sheriff, if the sex offender
18 28 appears in person at the sheriff's office because of
18 29 changes to relevant information pursuant to section
18 30 692A.104 or 692A.105, and if the in-person
18 31 verification pursuant to this section is within thirty
18 32 days of such in-person appearance. If a waiver is
18 33 granted, the sheriff shall notify the department of
18 34 granting the waiver.

18 35 Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE
18 36 REGISTRATION.

18 37 1. When a sex offender is released from
18 38 incarceration from a jail, prison, juvenile facility,
18 39 or other correctional institution or facility, or when
18 40 the offender is convicted but not incarcerated, the
18 41 sheriff, warden, or superintendent of a facility or,
18 42 in the case of release from foster care or residential
18 43 treatment or conviction without incarceration, the
18 44 court shall do the following prior to release or
18 45 sentencing of the convicted offender:

18 46 a. Obtain all relevant information from the sex
18 47 offender. Additional information for a sex offender
18 48 required to register as a sexually violent predator
18 49 shall include but not be limited to other identifying
18 50 factors, anticipated future places of residence,
19 1 offense history, and documentation of any treatment
19 2 received by the person for a mental abnormality or
19 3 personality disorder.

19 4 b. Inform the sex offender of the duty to register
19 5 under this chapter and SORNA and ensure registration
19 6 forms are completed and signed.

19 7 c. Inform the sex offender that, within five
19 8 business days of changing a residence, employment,
19 9 attendance as a student, an appearance is required
19 10 before the sheriff in the county where the change
19 11 occurred.

19 12 d. Inform the sex offender that, within five
19 13 business days of a change in relevant information
19 14 other than a change of residence, employment, or
19 15 attendance as a student, the sex offender shall
19 16 notify, in a manner prescribed by rule, the sheriff of
19 17 the county of principal residence of the change.

19 18 e. Inform the sex offender that if the offender
19 19 establishes residence in another jurisdiction, or
19 20 becomes employed, or becomes a student in another
19 21 jurisdiction, the offender must report the offender's
19 22 new residence, employment, or attendance as a student,
19 23 to the sheriff's office in the county of the
19 24 offender's principal residence within five business
19 25 days, and that, if the other jurisdiction has a
19 26 registration requirement, the offender shall also be
19 27 required to register in such jurisdiction.

19 28 f. Require the sex offender to read and sign a
19 29 form stating that the duty of the offender to register
19 30 under this chapter has been explained and the offender
19 31 understands the registration requirement. If the sex
19 32 offender cannot read, is unable to write, or refuses
19 33 to cooperate, the duty and the form shall be explained
19 34 orally and a written record shall be maintained by the
19 35 sheriff, warden, superintendent of a facility, or
19 36 court explaining the duty and the form.

19 37 g. Inform the sex offender who was convicted of a
19 38 sex offense against a minor of the prohibitions
19 39 established under section 692A.113 by providing the
19 40 offender with a written copy of section 692A.113 and
19 41 relevant definitions of section 692A.101.

19 42 h. Inform the sex offender who was convicted of an
19 43 aggravated offense against a minor of the prohibitions
19 44 established under section 692A.114 by providing the
19 45 offender with a written copy of section 692A.114 and
19 46 relevant definitions of section 692A.101.

19 47 i. Inform the sex offender that the offender must
19 48 submit to being photographed by the sheriff of any
19 49 county in which the offender is required to register
19 50 upon initial registration and during any appearance to
20 1 verify relevant information required under this
20 2 chapter.

20 3 j. Inform the sex offender that any violation of
20 4 this chapter may result in state or federal
20 5 prosecution.

20 6 2. a. When a sex offender is released from
20 7 incarceration from a jail, prison, juvenile facility,
20 8 or other correctional institution or facility, or when
20 9 the offender is convicted but not incarcerated, the
20 10 sheriff, warden, superintendent of a facility, or
20 11 court shall verify that the person has completed
20 12 initial or subsequent registration forms, and accept
20 13 the forms on behalf of the sheriff of the county of
20 14 registration. The sheriff, warden, superintendent of
20 15 a facility, or the court shall send the initial or

20 16 subsequent registration information to the department
20 17 within five business days of completion of the
20 18 registration. Probation, parole, work release, or any
20 19 other form of release after conviction shall not be
20 20 granted unless the offender has registered as required
20 21 under this chapter.

20 22 b. If the sex offender refuses to register, the
20 23 sheriff, warden, superintendent of a facility, or
20 24 court shall notify within five business days the
20 25 county attorney in the county in which the offender
20 26 was convicted or, if the offender no longer resides in
20 27 that county, in the county in which the offender
20 28 resides of the refusal to register. The county
20 29 attorney shall bring a contempt of court action
20 30 against the sex offender in the county in which the
20 31 offender was convicted or, if the offender no longer
20 32 resides in that county, in the county in which the
20 33 offender resides. A sex offender who refuses to
20 34 register shall be held in contempt and may be
20 35 incarcerated pursuant to the provisions of chapter 665
20 36 following the entry of judgment by the court on the
20 37 contempt action until the offender complies with the
20 38 registration requirements.

20 39 3. The sheriff, warden, or superintendent of a
20 40 facility, or if the sex offender is placed on
20 41 probation, the court shall forward one copy of the
20 42 registration information to the department and to the
20 43 sheriff of the county in which the principal residence
20 44 is established within five business days after
20 45 completion of the registration.

20 46 4. The court may order an appropriate law
20 47 enforcement agency or the county attorney to assist
20 48 the court in performing the requirements of subsection
20 49 1 or 2.

20 50 Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES
21 1 AND CIVIL PENALTY FOR OFFENDERS.

21 2 1. A sex offender shall pay an annual fee in the
21 3 amount of twenty-five dollars to the sheriff of the
21 4 county of principal residence, beginning with the
21 5 first required in-person appearance at the sheriff's
21 6 office after the effective date of this Act. If the
21 7 sex offender has more than one principal residence in
21 8 this state, the offender shall pay the annual fee in
21 9 the county where the offender is first required to
21 10 appear in person after the effective date of this Act.
21 11 The sheriff shall accept the registration. If, at the
21 12 time of registration, the sex offender is unable to
21 13 pay the fee, the sheriff may allow the offender time
21 14 to pay the fee, permit the payment of the fee in
21 15 installments, or may waive payment of the fee. Fees
21 16 paid to the sheriff shall be used to defray the costs
21 17 of duties related to the registration of sex offenders
21 18 under this chapter.

21 19 2. In addition to any other penalty, at the time
21 20 of conviction for a public offense committed on or
21 21 after July 1, 1995, which requires a sex offender to
21 22 register under this chapter, the offender shall be
21 23 assessed a civil penalty of two hundred dollars, to be
21 24 payable to the clerk of the district court as provided
21 25 in section 602.8105 and distributed as provided in
21 26 section 602.8108. With respect to a conviction for a
21 27 public offense committed on or after July 1, 2009,
21 28 which requires a sex offender to register under this
21 29 chapter, the offender shall be assessed a civil
21 30 penalty of two hundred fifty dollars, payable to the
21 31 clerk of the district court as provided in section
21 32 602.8105 and distributed as provided in section
21 33 602.8108.

21 34 3. The fee and penalty required by this section
21 35 shall not be assessed against a person who has been
21 36 acquitted by reason of insanity of the offense which
21 37 requires registration under this chapter.

21 38 Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY
21 39 == PENALTY.

21 40 1. A sex offender who violates any requirements of
21 41 section 692A.104, 692A.105, 692A.108, 692A.112,
21 42 692A.113, 692A.114, or 692A.115 commits an aggravated
21 43 misdemeanor for a first offense and a class "D" felony
21 44 for a second or subsequent offense. However, a sex
21 45 offender convicted of an aggravated offense against a
21 46 minor, a sex offense against a minor, or a sexually

21 47 violent offense committed while in violation of any of
21 48 the requirements specified in section 692A.104,
21 49 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or
21 50 692A.115 is guilty of a class "C" felony, in addition
22 1 to any other penalty provided by law. Any fine
22 2 imposed for a second or subsequent violation shall not
22 3 be suspended. Notwithstanding section 907.3, the
22 4 court shall not defer judgment or sentence for any
22 5 violation of any requirements specified in this
22 6 chapter. For purposes of this subsection, a violation
22 7 occurs when a sex offender knows or reasonably should
22 8 know of the duty to fulfill a requirement specified in
22 9 this chapter as referenced in the offense charged.
22 10 2. Violations in any other jurisdiction under sex
22 11 offender registry provisions that are substantially
22 12 similar to those contained in this section shall be
22 13 counted as previous offenses. The court shall
22 14 judicially notice the statutes of other states which
22 15 are substantially similar to this section.
22 16 3. A sex offender who violates any provision of
22 17 this chapter may be prosecuted in any county where
22 18 registration is required by the provisions of this
22 19 chapter.

22 20 Sec. 12. NEW SECTION. 692A.112 KNOWINGLY
22 21 PROVIDING FALSE INFORMATION == PENALTY.
22 22 A sex offender shall not knowingly provide false
22 23 information upon registration, change of relevant
22 24 information, or during an appearance to verify
22 25 relevant information.

22 26 Sec. 13. NEW SECTION. 692A.113 EXCLUSION ZONES
22 27 AND PROHIBITION OF CERTAIN EMPLOYMENT=RELATED
22 28 ACTIVITIES.

22 29 1. A sex offender who has been convicted of a sex
22 30 offense against a minor shall not do any of the
22 31 following:

22 32 a. Be present upon the real property of a public
22 33 or nonpublic elementary or secondary school without
22 34 the written permission of the school administrator or
22 35 school administrator's designee, unless enrolled as a
22 36 student at the school.

22 37 b. Loiter within three hundred feet of the real
22 38 property boundary of a public or nonpublic elementary
22 39 or secondary school, unless enrolled as a student at
22 40 the school.

22 41 c. Be present on or in any vehicle or other
22 42 conveyance owned, leased, or contracted by a public or
22 43 nonpublic elementary or secondary school without the
22 44 written permission of the school administrator or
22 45 school administrator's designee when the vehicle is in
22 46 use to transport students to or from a school or
22 47 school-related activities, unless enrolled as a
22 48 student at the school or unless the vehicle is
22 49 simultaneously made available to the public as a form
22 50 of public transportation.

23 1 d. Be present upon the real property of a child
23 2 care facility without the written permission of the
23 3 child care facility administrator.

23 4 e. Loiter within three hundred feet of the real
23 5 property boundary of a child care facility.

23 6 f. Be present upon the real property of a public
23 7 library without the written permission of the library
23 8 administrator.

23 9 g. Loiter within three hundred feet of the real
23 10 property boundary of a public library.

23 11 h. Loiter on or within three hundred feet of the
23 12 premises of any place intended primarily for the use
23 13 of minors including but not limited to a playground
23 14 available to the public, a children's play area
23 15 available to the public, recreational or sport-related
23 16 activity area when in use by a minor, a swimming or
23 17 wading pool available to the public when in use by a
23 18 minor, or a beach available to the public when in use
23 19 by a minor.

23 20 2. A sex offender who has been convicted of a sex
23 21 offense against a minor:

23 22 a. Who resides in a dwelling located within three
23 23 hundred feet of the real property boundary of public
23 24 or nonpublic elementary or secondary school, child
23 25 care facility, public library, or place intended
23 26 primarily for the use of minors as specified in
23 27 subsection 1, paragraph "h", shall not be in violation

23 28 of subsection 1 for having an established residence
23 29 within the exclusion zone.

23 30 b. Who is the parent or legal guardian of a minor
23 31 shall not be in violation of subsection 1 solely
23 32 during the period of time reasonably necessary to
23 33 transport the offender's own minor child or ward to or
23 34 from a place specified in subsection 1.

23 35 c. Who is legally entitled to vote shall not be in
23 36 violation of subsection 1 solely for the period of
23 37 time reasonably necessary to exercise the right to
23 38 vote in a public election if the polling location of
23 39 the offender is located in a place specified in
23 40 subsection 1.

23 41 3. A sex offender who has been convicted of a sex
23 42 offense against a minor shall not do any of the
23 43 following:

23 44 a. Operate, manage, be employed by, or act as a
23 45 contractor or volunteer at any municipal, county, or
23 46 state fair or carnival when a minor is present on the
23 47 premises.

23 48 b. Operate, manage, be employed by, or act as a
23 49 contractor or volunteer on the premises of any
23 50 children's arcade, an amusement center having coin or
24 1 token operated devices for entertainment, or
24 2 facilities providing programs or services intended
24 3 primarily for minors, when a minor is present.

24 4 c. Operate, manage, be employed by, or act as a
24 5 contractor or volunteer at a public or nonpublic
24 6 elementary or secondary school, child care facility,
24 7 or public library.

24 8 d. Operate, manage, be employed by, or act as a
24 9 contractor or volunteer at any place intended
24 10 primarily for use by minors including but not limited
24 11 to a playground, a children's play area, recreational
24 12 or sport-related activity area, a swimming or wading
24 13 pool, or a beach.

24 14 Sec. 14. NEW SECTION. 692A.114 RESIDENCY
24 15 RESTRICTIONS == PRESENCE == CHILD CARE FACILITIES AND
24 16 SCHOOLS.

24 17 1. As used in this section:

24 18 a. "Minor" means a person who is under eighteen
24 19 years of age or who is enrolled in a secondary school.

24 20 b. "School" means a public or nonpublic elementary
24 21 or secondary school.

24 22 c. "Sex offender" means a person required to be
24 23 registered under this chapter who has been convicted
24 24 of a sex offense against a minor.

24 25 2. A sex offender shall not reside within two
24 26 thousand feet of the real property comprising a school
24 27 or a child care facility.

24 28 3. A sex offender residing within two thousand
24 29 feet of the real property comprising a school or a
24 30 child care facility does not commit a violation of
24 31 this section if any of the following apply:

24 32 a. The sex offender is required to serve a
24 33 sentence at a jail, prison, juvenile facility, or
24 34 other correctional institution or facility.

24 35 b. The sex offender is subject to an order of
24 36 commitment under chapter 229A.

24 37 c. The sex offender has established a residence
24 38 prior to July 1, 2002.

24 39 d. The sex offender has established a residence
24 40 prior to any newly located school or child care
24 41 facility being established.

24 42 e. The sex offender is a minor.

24 43 f. The sex offender is a ward in a guardianship,
24 44 and a district judge or associate probate judge grants
24 45 an exemption from the residency restriction.

24 46 g. The sex offender is a patient or resident at a
24 47 health care facility as defined in section 135C.1 or a
24 48 patient in a hospice program, and a district judge or
24 49 associate probate judge grants an exemption from the
24 50 residency restriction.

25 1 Sec. 15. NEW SECTION. 692A.115 EMPLOYMENT WHERE
25 2 DEPENDENT ADULTS RESIDE.

25 3 A sex offender shall not be an employee of a
25 4 facility providing services for dependent adults or at
25 5 events where dependent adults participate in
25 6 programming and shall not loiter on the premises or
25 7 grounds of a facility or at an event providing such
25 8 services or programming.

25 9 Sec. 16. NEW SECTION. 692A.116 DETERMINATION OF
25 10 REQUIREMENT TO REGISTER.

25 11 1. An offender may request that the department
25 12 determine whether the offense for which the offender
25 13 has been convicted requires the offender to register
25 14 under this chapter or whether the period of time
25 15 during which the offender is required to register
25 16 under this chapter has expired.

25 17 2. Application for determination shall be filed
25 18 with the department and shall be made on forms
25 19 provided by the department and accompanied by copies
25 20 of sentencing or adjudicatory orders with respect to
25 21 each offense for which the offender asks that a
25 22 determination be made.

25 23 3. The department, after filing of the request and
25 24 after all documentation or information requested by
25 25 the department is received, shall have ninety days
25 26 from the filing of the request, to determine whether
25 27 the offender is required to register under this
25 28 chapter.

25 29 Sec. 17. NEW SECTION. 692A.117 REGISTRATION
25 30 FORMS AND ELECTRONIC REGISTRATION SYSTEM.

25 31 1. Registration forms and an electronic
25 32 registration system shall be made available by the
25 33 department.

25 34 2. Copies of blank forms shall be available upon
25 35 request to any registering agency.

25 36 Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES
25 37 == REGISTRY.

25 38 The department shall perform all of the following
25 39 duties:

25 40 1. Develop an electronic system and standard forms
25 41 for use in the registration of, verifying addresses
25 42 of, and verifying understanding of registration
25 43 requirements by sex offenders. Forms used to verify
25 44 addresses of sex offenders shall contain a warning
25 45 against forwarding a form to another address and of
25 46 the requirement to return the form if the offender to
25 47 whom the form is directed no longer resides at the
25 48 address listed on the form or the mailing.

25 49 2. Maintain a central registry of information
25 50 collected from sex offenders, which shall be known as
26 1 the sex offender registry.

26 2 3. In consultation with the attorney general,
26 3 adopt rules under chapter 17A which list specific
26 4 offenses under present and former law which constitute
26 5 sex offenses or sex offenses against a minor under
26 6 this chapter.

26 7 4. Adopt rules under chapter 17A, as necessary, to
26 8 ensure compliance with registration and verification
26 9 requirements of this chapter, to provide guidelines
26 10 for persons required to assist in obtaining registry
26 11 information, and to provide a procedure for the
26 12 dissemination of information contained in the
26 13 registry. The procedure for the dissemination of
26 14 information shall include but not be limited to
26 15 practical guidelines for use by criminal or juvenile
26 16 justice agencies in determining when public release of
26 17 relevant information contained in the registry is
26 18 appropriate and a requirement that if a member of the
26 19 general public requests information regarding a
26 20 specific individual in the manner provided in section
26 21 692A.121, the relevant information shall be released.
26 22 The department, in developing the procedure, shall
26 23 consult with associations which represent the
26 24 interests of law enforcement officers. Rules adopted
26 25 shall also include a procedure for removal of
26 26 information from the registry upon the reversal or
26 27 setting aside of a conviction of an offender.

26 28 5. Submit sex offender registry data to the
26 29 federal bureau of investigation for entry of the data
26 30 into the national sex offender registry.

26 31 6. Perform the requirements under this chapter and
26 32 under federal law in cooperation with the office of
26 33 sex offender sentencing, monitoring, apprehending,
26 34 registering, and tracking of the office of justice
26 35 programs of the United States department of justice.

26 36 7. Enter and maintain fingerprints and palm prints
26 37 of sex offenders in an automated fingerprint
26 38 identification system maintained by the department and
26 39 made accessible to law enforcement agencies in this

26 40 state, of the federal government, or in another
26 41 jurisdiction. The department or any law enforcement
26 42 agency may use such prints for criminal investigative
26 43 purposes, to include comparison against finger and
26 44 palm prints identified or recovered as evidence in a
26 45 criminal investigation.

26 46 8. Notify a jurisdiction that provided information
26 47 that a sex offender has or intends to maintain a
26 48 residence, employment, or attendance as a student, in
26 49 this state, of the failure of the sex offender to
26 50 register as required under this chapter.

27 1 9. Submit a DNA sample to the combined DNA index
27 2 system, if a sample has not been submitted.

27 3 10. Submit the social security number to the
27 4 national crime information center, if the number has
27 5 not been submitted.

27 6 11. When the department has a reasonable basis to
27 7 believe that a sex offender has changed residence to
27 8 an unknown location, has become a fugitive from
27 9 justice, or who has otherwise taken flight, the
27 10 department shall make a reasonable effort to ascertain
27 11 the whereabouts of the offender, and if such effort
27 12 fails to identify the location of the offender, an
27 13 appropriate notice shall be made on the sex offender
27 14 registry internet site of this state and shall be
27 15 transmitted to the national sex offender registry.
27 16 The department shall notify other law enforcement
27 17 agencies as deemed appropriate.

27 18 12. The department shall notify appropriate law
27 19 enforcement agencies including the United States
27 20 marshal service to investigate and verify possible
27 21 violations. The department shall ensure any warrants
27 22 for arrest are entered into the Iowa online warrant
27 23 and articles system and the national crime information
27 24 center and pursue prosecution of stated violations
27 25 through state or federal court.

27 26 Sec. 19. NEW SECTION. 692A.119 SEX OFFENDER
27 27 REGISTRY FUND.

27 28 A sex offender registry fund is established as a
27 29 separate fund within the state treasury under the
27 30 control of the department. The fund shall consist of
27 31 moneys received as a result of the imposition of the
27 32 penalty imposed under section 692A.110 and other funds
27 33 allocated for purposes of establishing and maintaining
27 34 the sex offender registry, conducting research and
27 35 analysis related to sex crimes and offenders, and to
27 36 perform other duties required under this chapter.
27 37 Notwithstanding section 8.33, unencumbered or
27 38 unobligated moneys and any interest remaining in the
27 39 fund on June 30 of any fiscal year shall not revert to
27 40 the general fund of the state, but shall remain
27 41 available for expenditure in subsequent fiscal years.

27 42 Sec. 20. NEW SECTION. 692A.120 DUTIES OF THE
27 43 SHERIFF.

27 44 The sheriff of each county shall comply with the
27 45 requirements of this chapter and rules adopted by the
27 46 department pursuant to this chapter. The sheriff of
27 47 each county shall provide information and notices as
27 48 provided in section 282.9.

27 49 Sec. 21. NEW SECTION. 692A.121 AVAILABILITY OF
27 50 RECORDS.

28 1 1. The department shall maintain an internet site
28 2 for the public and others to access relevant
28 3 information about sex offenders. The internet site,
28 4 at a minimum, shall be searchable by name, county,
28 5 city, zip code, and geographic radius.

28 6 2. The department shall provide updated or
28 7 corrected relevant information within five business
28 8 days of the information being updated or corrected,
28 9 from the sex offender registry to the following:

28 10 a. A criminal or juvenile justice agency, an
28 11 agency of the state, a sex offender registry of
28 12 another jurisdiction, or the federal government.

28 13 b. The general public through the sex offender
28 14 registry internet site.

28 15 (1) The following relevant information about a sex
28 16 offender shall be disclosed on the internet site:

28 17 (a) The date of birth.

28 18 (b) The name, nickname, aliases, including ethnic
28 19 or tribal names.

28 20 (c) Photographs.

28 21 (d) The physical description, including scars,
28 22 marks, or tattoos.

28 23 (e) The residence.

28 24 (f) The statutory citation and text of the offense
28 25 committed that requires registration under this
28 26 chapter.

28 27 (g) A specific reference indicting whether a
28 28 particular sex offender is subject to residency
28 29 restrictions pursuant to section 692A.114.

28 30 (h) A specific reference indicating whether a
28 31 particular sex offender is subject to exclusion zone
28 32 restrictions pursuant to section 692A.113.

28 33 (2) The following relevant information shall not
28 34 be disclosed on the internet site:

28 35 (a) The relevant information about a sex offender
28 36 who was under twenty years of age at the time the
28 37 offender committed a violation of section 709.4,
28 38 subsection 2, paragraph "c", subparagraph (4).

28 39 (b) The employer name, address, or location where
28 40 a sex offender acts as an employee in any form of
28 41 employment.

28 42 (c) The address and name of any school where a
28 43 student required to be on the registry attends.

28 44 (d) The real name of a sex offender protected
28 45 under 18 U.S.C } 3521.

28 46 (e) The statutory citation and text of the offense
28 47 committed for an incest conviction in violation of
28 48 section 726.2, however, the citation and text of an
28 49 incest conviction shall be disclosed on the internet
28 50 site as a conviction of section 709.4 or 709.8.

29 1 (f) Any other relevant information not described
29 2 in subparagraph (1).

29 3 c. The general public through any other means, at
29 4 the discretion of the department, any relevant
29 5 information that is available on the internet site.

29 6 3. A criminal or juvenile justice agency may
29 7 provide relevant information from the sex offender
29 8 registry to the following:

29 9 a. A criminal or juvenile justice agency, an
29 10 agency of the state, or a sex offender registry of
29 11 another jurisdiction, or the federal government.

29 12 b. The general public, any information available
29 13 to the general public in subsection 2, including
29 14 public and private agencies, organizations, public
29 15 places, child care facilities, religious and youth
29 16 organizations, neighbors, neighborhood associations,
29 17 community meetings, and employers. The relevant
29 18 information available to the general public may be
29 19 distributed to the public through printed materials,
29 20 visual or audio press releases, radio communications,
29 21 or through a criminal or juvenile justice agency's
29 22 internet site.

29 23 4. When a sex offender moves into a school
29 24 district or moves within a school district, the county
29 25 sheriff of the county of the offender's new residence
29 26 shall provide relevant information that is available
29 27 to the general public in subsection 2 to the
29 28 administrative office of the school district in which
29 29 the person required to register resides, and shall
29 30 also provide relevant information to any nonpublic
29 31 school near the offender's residence.

29 32 5. a. A member of the public may contact a county
29 33 sheriff's office to request relevant information from
29 34 the registry regarding a specific sex offender. A
29 35 person making a request for relevant information may
29 36 make the request by telephone, in writing, or in
29 37 person, and the request shall include the name of the
29 38 person and at least one of the following identifiers
29 39 pertaining to the sex offender about whom the
29 40 information is sought:

29 41 (1) The date of birth of the person.
29 42 (2) The social security number of the person.
29 43 (3) The address of the person.
29 44 (4) Internet identifiers.
29 45 (5) Telephone numbers, including any landline or
29 46 wireless numbers.

29 47 b. The relevant information made available to the
29 48 general public pursuant to this subsection shall
29 49 include all the relevant information provided to the
29 50 general public on the internet site pursuant to
30 1 subsection 2, and the following additional relevant

30 2 information:
30 3 (1) Educational institutions attended as a
30 4 student, including the name and address of such
30 5 institution.
30 6 (2) Employment information including the name and
30 7 address of employer.
30 8 (3) Temporary lodging information, including the
30 9 dates when residing at the temporary lodging.
30 10 (4) Vehicle information.
30 11 c. A county sheriff or police department shall not
30 12 charge a fee relating to a request for relevant
30 13 information.
30 14 6. A county sheriff shall also provide to a person
30 15 upon request access to a list of all registrants in
30 16 that county.
30 17 7. The following relevant information shall not be
30 18 provided to the general public:
30 19 a. The identity of the victim.
30 20 b. Arrests not resulting in a conviction.
30 21 c. Passport and immigration documents.
30 22 d. A government issued driver's license or
30 23 identification card.
30 24 e. DNA information.
30 25 f. Fingerprints.
30 26 g. Palm prints.
30 27 h. Professional licensing information.
30 28 i. Social security number.
30 29 j. Real name protected under 18 U.S.C } 3521.
30 30 8. Notwithstanding sections 232.147 through
30 31 232.151, records concerning convictions which are
30 32 committed by a minor may be released in the same
30 33 manner as records of convictions of adults.
30 34 9. A person may contact the department or a county
30 35 sheriff's office to verify if a particular internet
30 36 identifier or telephone number is one that has been
30 37 included in a registration by a sex offender.
30 38 10. The department shall include links to sex
30 39 offender safety information, educational resources
30 40 pertaining to the prevention of sexual assaults, and
30 41 the national sex offender registry.
30 42 11. The department shall include on the sex
30 43 offender registry internet site instructions and any
30 44 applicable forms necessary for a person seeking
30 45 correction of information that the person contends is
30 46 erroneous.
30 47 12. When the department receives and approves
30 48 registration data, such data shall be made available
30 49 on the sex offender registry internet site within five
30 50 business days.
31 1 13. The department shall maintain an automated
31 2 electronic mail notification system, which shall be
31 3 available by free subscription to any person, to
31 4 provide notice of addition, deletion, or changes to
31 5 any sex offender registration, relevant information
31 6 within a postal zip code or, if selected by a
31 7 subscriber, a geographic radius or, if selected by a
31 8 subscriber, specific to a sex offender.
31 9 14. Sex offender registry records are confidential
31 10 records not subject to examination and copying by a
31 11 member of the public and shall only be released as
31 12 provided in this section.
31 13 Sec. 22. NEW SECTION. 692A.122 COOPERATION WITH
31 14 REGISTRATION.
31 15 An agency of state and local government that
31 16 possesses information relevant to requirements that an
31 17 offender register under this chapter shall provide
31 18 that information to the court or the department upon
31 19 request. All confidential records provided under this
31 20 section shall remain confidential, unless otherwise
31 21 ordered by a court, by the lawful custodian of the
31 22 records, or by another person duly authorized to
31 23 release such information.
31 24 Sec. 23. NEW SECTION. 692A.123 IMMUNITY FOR GOOD
31 25 FAITH CONDUCT.
31 26 Criminal or juvenile justice agencies and employees
31 27 of criminal or juvenile justice agencies and state
31 28 agencies and their employees shall be immune from
31 29 liability for acts or omissions arising from a good
31 30 faith effort to comply with this chapter.
31 31 Sec. 24. NEW SECTION. 692A.124 ELECTRONIC
31 32 MONITORING.

31 33 A sex offender who is placed on probation, parole,
31 34 work release, special sentence, or any other type of
31 35 conditional release, may be supervised by an
31 36 electronic tracking and monitoring system in addition
31 37 to any other conditions of supervision. However, if
31 38 the person committed a sex offense against a minor,
31 39 the person shall be supervised for a period of at
31 40 least five years by an electronic tracking and
31 41 monitoring system in addition to any other conditions
31 42 of release.

31 43 Sec. 25. NEW SECTION. 692A.125 APPLICABILITY OF
31 44 CHAPTER AND RETROACTIVITY.

31 45 1. The registration requirements of this chapter
31 46 shall apply to sex offenders convicted on or after the
31 47 effective date of this Act of a sex offense classified
31 48 under section 692A.102.

31 49 2. The registration requirements of this chapter
31 50 shall apply to a sex offender convicted of a sex
32 1 offense or a comparable offense under prior law prior
32 2 to the effective date of this Act under the following
32 3 circumstances:

32 4 a. Any sex offender including a juvenile offender
32 5 who is required to be on the sex offender registry as
32 6 of June 30, 2009.

32 7 b. Any sex offender who is incarcerated on or
32 8 after the effective date of this Act, for conviction
32 9 of a sex offense committed prior to the effective date
32 10 of this Act.

32 11 c. Any sex offender who is serving a special
32 12 sentence pursuant to section 903B.1 or 903B.2 prior to
32 13 the effective date of this Act.

32 14 3. For a sex offender required to register
32 15 pursuant to subsection 1 or 2, each conviction or
32 16 adjudication for a sex offense requiring registration,
32 17 regardless of whether such conviction or adjudication
32 18 occurred prior to, on, or after the effective date of
32 19 this Act, shall be included in determining the tier
32 20 requirements pursuant to this chapter.

32 21 4. An offender on the sex offender registry as of
32 22 June 30, 2009, and who is required to be on the
32 23 registry on or after July 1, 2009, shall be credited
32 24 for any time on the registry prior to July 1, 2009.

32 25 Sec. 26. NEW SECTION. 692A.126 SEXUALLY
32 26 MOTIVATED OFFENSE == DETERMINATION.

32 27 1. If a judge or jury makes a determination,
32 28 beyond a reasonable doubt, that any of the following
32 29 offenses for which a conviction has been entered are
32 30 sexually motivated, the person shall be required to
32 31 register as provided in this chapter:

32 32 a. Murder in the first degree in violation of
32 33 section 707.2.

32 34 b. Murder in the second degree in violation of
32 35 section 707.3.

32 36 c. Voluntary manslaughter in violation of section
32 37 707.4.

32 38 d. Involuntary manslaughter in violation of
32 39 section 707.5.

32 40 e. Attempt to commit murder in violation of
32 41 section 707.11.

32 42 f. Harassment in violation of section 708.7,
32 43 subsection 1, 2, or 3.

32 44 g. Stalking in violation of section 708.11,
32 45 subsection 3, paragraph "b", subparagraph (3).

32 46 h. Kidnapping in the first degree in violation of
32 47 section 710.2.

32 48 i. Kidnapping in the second degree in violation of
32 49 section 710.3.

32 50 j. Kidnapping in the third degree in violation of
33 1 section 710.4.

33 2 k. Child stealing in violation of section 710.5.

33 3 l. Purchase or sale or attempted purchase or sale
33 4 of an individual in violation of section 710.11.

33 5 m. Burglary in the first degree in violation of
33 6 section 713.3, subsection 1, paragraph "a", "b", or
33 7 "c".

33 8 n. Attempted burglary in the first degree in
33 9 violation of section 713.4.

33 10 o. Burglary in the second degree in violation of
33 11 section 713.5.

33 12 p. Attempted burglary in the second degree in
33 13 violation of section 713.6.

33 14 q. Burglary in the third degree in violation of
33 15 section 713.6A.

33 16 r. Attempted burglary in the third degree in
33 17 violation of section 713.6B.

33 18 2. If a person is convicted of an offense in
33 19 another jurisdiction, or of an offense that was
33 20 prosecuted in a federal, military, or foreign court,
33 21 that is comparable to an offense specified in
33 22 subsection 1, the person shall be required to register
33 23 as provided in this chapter if the department makes a
33 24 determination that the offense was sexually motivated.

33 25 3. If a juvenile is convicted of an offense in
33 26 another jurisdiction, or of an offense as a juvenile
33 27 in a similar juvenile court proceeding in a federal,
33 28 military, or foreign court, that is comparable to an
33 29 offense specified in subsection 1, the person shall be
33 30 required to register as provided in this chapter if
33 31 the department makes a determination that the offense
33 32 was sexually motivated.

33 33 Sec. 27. NEW SECTION. 692A.127 MODIFICATION.

33 34 1. A sex offender who is on probation, parole,
33 35 work release, special sentence, or any other type of
33 36 conditional release may file an application in
33 37 district court seeking to modify the registration
33 38 requirements under this chapter.

33 39 2. An application shall not be granted unless all
33 40 of the following apply:

33 41 a. The date of the commencement of the requirement
33 42 to register occurred at least two years prior to the
33 43 filing of the application for a tier I offender and
33 44 five years prior to the filing of the application for
33 45 a tier II or III offender.

33 46 b. The sex offender has successfully completed all
33 47 sex offender treatment programs that have been
33 48 required.

33 49 c. A risk assessment has been completed and the
33 50 sex offender was classified as a low risk to reoffend.
34 1 The risk assessment used to assess an offender as a
34 2 low risk to reoffend shall be a validated risk
34 3 assessment approved by the department of corrections.

34 4 d. The sex offender is not incarcerated when the
34 5 application is filed.

34 6 e. The director of the judicial district
34 7 department of correctional services supervising the
34 8 sex offender, or the director's designee, stipulates
34 9 to the modification, and a certified copy of the
34 10 stipulation is attached to the application.

34 11 3. The application shall be filed in the sex
34 12 offender's county of principal residence.

34 13 4. Notice of any application shall be provided to
34 14 the county attorney of the county of the sex
34 15 offender's principal residence, the county attorney of
34 16 any county in this state where a conviction requiring
34 17 the sex offender's registration occurred, and the
34 18 department. The county attorney where the conviction
34 19 occurred shall notify the victim of an application if
34 20 the victim's address is known.

34 21 5. The court may, but is not required to, conduct
34 22 a hearing on the application to hear any evidence
34 23 deemed appropriate by the court. The court may modify
34 24 the registration requirements under this chapter.

34 25 6. A sex offender may be granted a modification if
34 26 the offender is required to be on the sex offender
34 27 registry as a result of an adjudication for a sex
34 28 offense, the offender is not under the supervision of
34 29 the juvenile court or a judicial district judicial
34 30 department of correctional services, and the
34 31 department of corrections agrees to perform a risk
34 32 assessment on the sex offender. However, all other
34 33 provisions of this section not in conflict with this
34 34 subsection shall apply to the application prior to an
34 35 application being granted except that the sex offender
34 36 is not required to obtain a stipulation from the
34 37 director of a judicial district department of
34 38 correctional services, or the director's designee.

34 39 7. If the court modifies the registration
34 40 requirements under this chapter, the court shall send
34 41 a copy of the order to the department, the sheriff of
34 42 the county of the sex offender's principal residence,
34 43 any county attorney notified in subsection 4, and the
34 44 victim, if the victim's address is known.

34 45 Sec. 28. NEW SECTION. 692A.128 PROBATION AND
34 46 PAROLE OFFICERS.

34 47 A probation or parole officer supervising a sex
34 48 offender is not precluded from imposing more
34 49 restrictive exclusion zone requirements, employment
34 50 prohibitions, and residency restrictions than under
35 1 sections 692A.113 and 692A.114.

35 2 Sec. 29. NEW SECTION. 692A.129 RULES.

35 3 The department shall adopt rules pursuant to
35 4 chapter 17A to administer this chapter.

35 5 Sec. 30. Sections 692A.1 through 692A.16, Code
35 6 2009, are repealed.

35 7 DIVISION II

35 8 SEX OFFENDER REGISTRY RELATED CHANGES

35 9 Sec. 31. Section 13.2, subsection 1, paragraph d,
35 10 Code 2009, is amended to read as follows:

35 11 d. Prosecute and defend all actions and
35 12 proceedings brought by or against any employee of a
35 13 judicial district department of correctional services
35 14 in the performance of an assessment of risk pursuant
~~35 15 to chapter 692A.~~

35 16 Sec. 32. Section 22.7, subsection 48, Code 2009,
35 17 is amended to read as follows:

35 18 48. Sex offender registry records under chapter
35 19 692A, except as provided in section ~~692A.13~~ 692A.121.

35 20 Sec. 33. Section 232.53, subsections 2 and 3, Code
35 21 2009, are amended to read as follows:

35 22 2. All dispositional orders entered prior to the
35 23 child attaining the age of seventeen years shall
35 24 automatically terminate when the child becomes
35 25 eighteen years of age, except as provided in section
~~35 26 2A.~~ Dispositional orders entered subsequent to the

35 27 child attaining the age of seventeen years and prior
35 28 to the child's eighteenth birthday shall automatically
35 29 terminate one year and six months after the date of
35 30 disposition. In the case of an adult within the
35 31 jurisdiction of the court under the provisions of
35 32 section 232.8, subsection 1, the dispositional order
35 33 shall automatically terminate one year and six months
35 34 after the last date upon which jurisdiction could
35 35 attach.

35 36 3. Notwithstanding section 233A.13, a child
35 37 committed to the training school subsequent to the
35 38 child attaining the age of seventeen years and prior
35 39 to the child's eighteenth birthday may be held at the
35 40 school beyond the child's eighteenth birthday pursuant
35 41 to subsection 2 or 2A, provided that the training
35 42 school makes application to and receives permission
35 43 from the committing court. This extension shall be
35 44 for the purpose of completion by the child of a course
35 45 of instruction established for the child pursuant to
35 46 section 233A.4 and cannot extend for more than one
35 47 year and six months beyond the date of disposition
35 48 unless the duration of the dispositional order was
~~35 49 extended pursuant to section 2A.~~

35 50 Sec. 34. Section 232.52A, Code 2009, is amended by
36 1 adding the following new unnumbered paragraph:

36 2 NEW UNNUMBERED PARAGRAPH. If the duration of a
36 3 dispositional order is extended pursuant to section
36 4 232.53, subsection 2A, the court may continue or
36 5 extend supervision by an electronic tracking and
36 6 monitoring system in addition to any other conditions
36 7 of supervision.

36 8 Sec. 35. Section 232.53, Code 2009, is amended by
36 9 adding the following new subsection:

36 10 NEW SUBSECTION. 2A. A dispositional order entered
36 11 prior to the child attaining the age of seventeen, for
36 12 a child required to register as a sex offender
36 13 pursuant to the provisions of chapter 692A, may be
36 14 extended one year and six months beyond the date the
36 15 child becomes eighteen years of age.

36 16 Sec. 36. Section 232.54, Code 2009, is amended by
36 17 adding the following new subsection:

36 18 NEW SUBSECTION. 8A. With respect to a
36 19 dispositional order requiring a child to register as a
36 20 sex offender pursuant to chapter 692A, the juvenile
36 21 court shall determine whether the child shall remain
36 22 on the sex offender registry prior to termination of
36 23 the dispositional order.

36 24 Sec. 37. Section 232.116, subsection 1, paragraph
36 25 o, Code 2009, is amended to read as follows:

36 26 o. The parent has been convicted of a felony
36 27 offense that is a ~~criminal sex~~ offense against a minor
36 28 as defined in section ~~692A.1~~ 692A.101, the parent is
36 29 divorced from or was never married to the minor's
36 30 other parent, and the parent is serving a minimum
36 31 sentence of confinement of at least five years for
36 32 that offense.

36 33 Sec. 38. Section 272.2, subsection 17, Code 2009,
36 34 is amended to read as follows:

36 35 17. Adopt rules to require that a background
36 36 investigation be conducted by the division of criminal
36 37 investigation of the department of public safety on
36 38 all initial applicants for licensure. The board shall
36 39 also require all initial applicants to submit a
36 40 completed fingerprint packet and shall use the packet
36 41 to facilitate a national criminal history background
36 42 check. The board shall have access to, and shall
36 43 review the sex offender registry information under
36 44 section ~~692A.13~~ 692A.121 available to the general
36 45 public, the central registry for child abuse
36 46 information established under chapter 235A, and the
36 47 dependent adult abuse records maintained under chapter
36 48 235B for information regarding applicants for license
36 49 renewal.

36 50 Sec. 39. Section 279.13, subsection 1, paragraph
37 1 b, subparagraph (1), Code 2009, is amended to read as
37 2 follows:

37 3 (1) Prior to entering into an initial contract
37 4 with a teacher who holds a license other than an
37 5 initial license issued by the board of educational
37 6 examiners under chapter 272, the school district shall
37 7 initiate a state criminal history record check of the
37 8 applicant through the division of criminal
37 9 investigation of the department of public safety,
37 10 submit the applicant's fingerprints to the division
37 11 for submission to the federal bureau of investigation
37 12 for a national criminal history record check, and
37 13 review the sex offender registry information under
37 14 section ~~692A.13~~ 692A.121 available to the general
37 15 public, the central registry for child abuse

37 16 information established under section 235A.14, and the
37 17 central registry for dependent adult abuse information
37 18 established under section 235B.5 for information
37 19 regarding applicants for employment as a teacher.

37 20 Sec. 40. Section 282.9, subsection 2, Code 2009,
37 21 is amended to read as follows:

37 22 2. Notwithstanding section ~~692A.13~~ 692A.121, or
37 23 any other provision of law to the contrary, the county
37 24 sheriff shall provide to the boards of directors of
37 25 the school districts located within the county the
37 26 name of any individual under the age of twenty-one who
37 27 is required to register as a sex offender under
37 28 chapter 692A.

37 29 Sec. 41. Section 598.41A, Code 2009, is amended to
37 30 read as follows:

37 31 598.41A VISITATION == HISTORY OF CRIMES AGAINST A
37 32 MINOR.

37 33 Notwithstanding section 598.41, the court shall
37 34 consider in the award of visitation rights to a parent
37 35 of a child, the criminal history of the parent if the
37 36 parent has been convicted of a ~~criminal offense~~
37 37 ~~against a minor, a sexually violent offense against a~~
37 38 ~~minor, or sexual exploitation of a minor. As used in~~
37 39 ~~this section, "criminal offense against a minor",~~
37 40 ~~"sexually violent offense", and "sexual exploitation"~~
37 41 ~~mean as defined in section 692A.1 sex offense against~~
37 42 ~~a minor as defined in section 692A.101.~~

37 43 Sec. 42. Section 600A.8, subsection 10, Code 2009,
37 44 is amended to read as follows:

37 45 10. The parent has been convicted of a felony
37 46 offense that is a ~~criminal sex~~ offense against a minor
37 47 as defined in section ~~692A.1~~ 692A.101, the parent is
37 48 divorced from or was never married to the minor's
37 49 other parent, and the parent is serving a minimum
37 50 sentence of confinement of at least five years for
38 1 that offense.

38 2 Sec. 43. Section 602.8105, subsection 2, Code
38 3 2009, is amended by adding the following new
38 4 paragraph:

38 5 NEW PARAGRAPH. gg. For applicable convictions
38 6 under section 692A.110 prior to July 1, 2009, a civil

38 7 penalty of two hundred dollars, and for applicable
38 8 convictions under section 692A.110 on or after July 1,
38 9 2009, a civil penalty of two hundred fifty dollars.
38 10 Sec. 44. Section 602.8107, subsection 4, paragraph
38 11 a, Code 2009, is amended to read as follows:
38 12 a. This subsection does not apply to amounts
38 13 collected for victim restitution, the victim
38 14 compensation fund, the criminal penalty surcharge, sex
38 15 offender civil penalty, drug abuse resistance
38 16 education surcharge, the law enforcement initiative
38 17 surcharge, county enforcement surcharge, amounts
38 18 collected as a result of procedures initiated under
38 19 subsection 5 or under section 8A.504, or fees charged
38 20 pursuant to section 356.7.
38 21 Sec. 45. Section 602.8108, subsection 2, Code
38 22 2009, is amended to read as follows:
38 23 2. Except as otherwise provided, the clerk of the
38 24 district court shall report and submit to the state
38 25 court administrator, not later than the fifteenth day
38 26 of each month, the fines and fees received during the
38 27 preceding calendar month. Except as provided in
38 28 subsections 3, 4, 5, 7, 8, ~~and 9~~, and 10, the state
38 29 court administrator shall deposit the amounts received
38 30 with the treasurer of state for deposit in the general
38 31 fund of the state. The state court administrator
38 32 shall report to the legislative services agency within
38 33 thirty days of the beginning of each fiscal quarter
38 34 the amount received during the previous quarter in the
38 35 account established under this section.
38 36 Sec. 46. Section 602.8108, Code 2009, is amended
38 37 by adding the following new subsection:
38 38 NEW SUBSECTION. 10. The clerk of the district
38 39 court shall remit to the treasurer of state, not later
38 40 than the fifteenth day of each month, all moneys
38 41 collected from the sex offender civil penalty provided
38 42 in section 692A.110 during the preceding calendar
38 43 month. Of the amount received from the clerk, the
38 44 treasurer of state shall allocate ten percent to be
38 45 deposited in the court technology and modernization
38 46 fund established in subsection 7. The treasurer of
38 47 state shall deposit the remainder into the sex
38 48 offender registry fund established in section
38 49 692A.119.
38 50 Sec. 47. Section 707.2, Code 2009, is amended by
39 1 adding the following new unnumbered paragraph after
39 2 subsection 6:
39 3 NEW UNNUMBERED PARAGRAPH. For purposes of
39 4 determining whether a person should register as a sex
39 5 offender pursuant to the provisions of chapter 692A,
39 6 the fact finder shall make a determination as provided
39 7 in section 692A.126.
39 8 Sec. 48. Section 707.3, Code 2009, is amended by
39 9 adding the following new unnumbered paragraph after
39 10 unnumbered paragraph 2:
39 11 NEW UNNUMBERED PARAGRAPH. For purposes of
39 12 determining whether a person should register as a sex
39 13 offender pursuant to the provisions of chapter 692A,
39 14 the fact finder shall make a determination as provided
39 15 in section 692A.126.
39 16 Sec. 49. Section 707.4, Code 2009, is amended by
39 17 adding the following new unnumbered paragraph after
39 18 unnumbered paragraph 3:
39 19 NEW UNNUMBERED PARAGRAPH. For purposes of
39 20 determining whether a person should register as a sex
39 21 offender pursuant to the provisions of chapter 692A,
39 22 the fact finder shall make a determination as provided
39 23 in section 692A.126.
39 24 Sec. 50. Section 707.5, Code 2009, is amended by
39 25 adding the following new subsection:
39 26 NEW SUBSECTION. 3. For purposes of determining
39 27 whether a person should register as a sex offender
39 28 pursuant to the provisions of chapter 692A, the fact
39 29 finder shall make a determination as provided in
39 30 section 692A.126.
39 31 Sec. 51. Section 707.11, Code 2009, is amended by
39 32 adding the following new unnumbered paragraph after
39 33 unnumbered paragraph 2:
39 34 NEW UNNUMBERED PARAGRAPH. For purposes of
39 35 determining whether the person should register as a
39 36 sex offender pursuant to the provisions of chapter
39 37 692A, the fact finder shall make a determination as

39 38 provided in section 692A.126.
39 39 Sec. 52. Section 708.7, Code 2009, is amended by
39 40 adding the following new subsection:
39 41 NEW SUBSECTION. 5. For purposes of determining
39 42 whether or not the person should register as a sex
39 43 offender pursuant to the provisions of chapter 692A,
39 44 the fact finder shall make a determination as provided
39 45 in section 692A.126.
39 46 Sec. 53. Section 708.11, Code 2009, is amended by
39 47 adding the following new subsection:
39 48 NEW SUBSECTION. 6. For purposes of determining
39 49 whether or not the person should register as a sex
39 50 offender pursuant to the provisions of chapter 692A,
40 1 the fact finder shall make a determination as provided
40 2 in section 692A.126.
40 3 Sec. 54. Section 710.2, Code 2009, is amended by
40 4 adding the following new unnumbered paragraph after
40 5 unnumbered paragraph 2:
40 6 NEW UNNUMBERED PARAGRAPH. For purposes of
40 7 determining whether the person should register as a
40 8 sex offender pursuant to the provisions of chapter
40 9 692A, the fact finder shall make a determination as
40 10 provided in section 692A.126.
40 11 Sec. 55. Section 710.3, Code 2009, is amended by
40 12 adding the following new unnumbered paragraph:
40 13 NEW UNNUMBERED PARAGRAPH. For purposes of
40 14 determining whether the person should register as a
40 15 sex offender pursuant to the provisions of chapter
40 16 692A, the fact finder shall make a determination as
40 17 provided in section 692A.126.
40 18 Sec. 56. Section 710.4, Code 2009, is amended by
40 19 adding the following new unnumbered paragraph:
40 20 NEW UNNUMBERED PARAGRAPH. For purposes of
40 21 determining whether the person should register as a
40 22 sex offender pursuant to the provisions of chapter
40 23 692A, the fact finder shall make a determination as
40 24 provided in section 692A.126.
40 25 Sec. 57. Section 710.5, Code 2009, is amended by
40 26 adding the following new unnumbered paragraph:
40 27 NEW UNNUMBERED PARAGRAPH. For purposes of
40 28 determining whether the person should register as a
40 29 sex offender pursuant to the provisions of chapter
40 30 692A, the fact finder shall make a determination as
40 31 provided in section 692A.126.
40 32 Sec. 58. Section 903B.1, Code 2009, is amended to
40 33 read as follows:
40 34 903B.1 SPECIAL SENTENCE == CLASS "B" OR CLASS "C"
40 35 FELONIES.
40 36 A person convicted of a class "C" felony or greater
40 37 offense under chapter 709, or a class "C" felony under
40 38 section 728.12, shall also be sentenced, in addition
40 39 to any other punishment provided by law, to a special
40 40 sentence committing the person into the custody of the
40 41 director of the Iowa department of corrections for the
40 42 rest of the person's life, with eligibility for parole
40 43 as provided in chapter 906. The board of parole shall
40 44 determine whether the person should be released on
40 45 parole or placed in a work release program. The
40 46 special sentence imposed under this section shall
40 47 commence upon completion of the sentence imposed under
40 48 any applicable criminal sentencing provisions for the
40 49 underlying criminal offense and the person shall begin
40 50 the sentence under supervision as if on parole or work
41 1 release. The person shall be placed on the
41 2 corrections continuum in chapter 901B, and the terms
41 3 and conditions of the special sentence, including
41 4 violations, shall be subject to the same set of
41 5 procedures set out in chapters 901B, 905, 906, and
41 6 chapter 908, and rules adopted under those chapters
41 7 for persons on parole or work release. The revocation
41 8 of release shall not be for a period greater than two
41 9 years upon any first revocation, and five years upon
41 10 any second or subsequent revocation. A special
41 11 sentence shall be considered a category "A" sentence
41 12 for purposes of calculating earned time under section
41 13 903A.2.
41 14 Sec. 59. Section 903B.2, Code 2009, is amended to
41 15 read as follows:
41 16 903B.2 SPECIAL SENTENCE == CLASS "D" FELONIES OR
41 17 MISDEMEANORS.
41 18 A person convicted of a misdemeanor or a class "D"

41 19 felony offense under chapter 709, section 726.2, or
41 20 section 728.12 shall also be sentenced, in addition to
41 21 any other punishment provided by law, to a special
41 22 sentence committing the person into the custody of the
41 23 director of the Iowa department of corrections for a
41 24 period of ten years, with eligibility for parole as
41 25 provided in chapter 906. The board of parole shall
41 26 determine whether the person should be released on
41 27 parole or placed in a work release program. The
41 28 special sentence imposed under this section shall
41 29 commence upon completion of the sentence imposed under
41 30 any applicable criminal sentencing provisions for the
41 31 underlying criminal offense and the person shall begin
41 32 the sentence under supervision as if on parole or work
41 33 release. The person shall be placed on the
41 34 corrections continuum in chapter 901B, and the terms
41 35 and conditions of the special sentence, including
41 36 violations, shall be subject to the same set of
41 37 procedures set out in chapters 901B, 905, 906, and
41 38 908, and rules adopted under those chapters for
41 39 persons on parole or work release. The revocation of
41 40 release shall not be for a period greater than two
41 41 years upon any first revocation, and five years upon
41 42 any second or subsequent revocation. A special
41 43 sentence shall be considered a category "A" sentence
41 44 for purposes of calculating earned time under section
41 45 903A.2.

41 46 Sec. 60. Section 907.3, subsection 1, Code 2009,
41 47 is amended by adding the following new paragraph:

41 48 NEW PARAGRAPH. m. The offense is a violation of
41 49 chapter 692A.

41 50 Sec. 61. Section 907.3, subsection 2, Code 2009,
42 1 is amended by adding the following new paragraph:

42 2 NEW PARAGRAPH. g. The offense is a violation of
42 3 chapter 692A.

42 4 Sec. 62. NEW SECTION. 915.17A NOTIFICATION BY
42 5 JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES.

42 6 A judicial district department of correctional
42 7 services shall notify a registered victim, regarding a
42 8 sex offender convicted of a sex offense against a
42 9 minor who is under the supervision of a judicial
42 10 district department of correctional services, of the
42 11 following:

42 12 1. The beginning date for use of an electronic
42 13 tracking and monitoring system to supervise the sex
42 14 offender and the type of electronic tracking and
42 15 monitoring system used.

42 16 2. The date of any modification to the use of an
42 17 electronic tracking and monitoring system and the
42 18 nature of the change.

42 19 DIVISION III
42 20 COHABITATION WITH A SEX OFFENDER

42 21 Sec. 63. Section 232.68, subsection 2, paragraph
42 22 i, Code 2009, is amended to read as follows:

42 23 i. ~~Cohabitation with a person~~ Knowingly allowing a
42 24 person custody or control of, or unsupervised access

42 25 to a child or minor, after knowing the person is
42 26 required to register or is on the sex offender
42 27 registry under chapter 692A ~~in~~ for a violation of
42 28 section 726.6.

42 29 Sec. 64. Section 726.6, subsection 1, paragraph h,
42 30 Code 2009, is amended to read as follows:

42 31 h. ~~Cohabits with a person~~ Knowingly allows a
42 32 person custody or control of, or unsupervised access

42 33 to a child or a minor after knowing the person is
42 34 required to register or is on the sex offender
42 35 registry as a sex offender under chapter 692A.

42 36 However, this paragraph does not apply to a person who
42 37 is a parent, ~~or guardian, or a person having custody~~
42 38 ~~or control over~~ of a child or a minor, who is required
42 39 to register as a sex offender, or to a person who is
42 40 married to and living with a person required to
42 41 register as a sex offender.

42 42 DIVISION IV
42 43 SEVERABILITY

42 44 Sec. 65. SEVERABILITY OF ACT. If any provision of
42 45 this Act or the application of this Act to any person
42 46 is held invalid, the invalidity shall not affect the
42 47 provisions or application of this Act which can be
42 48 given effect without the invalid provisions or
42 49 application, and to this end the provisions of this

